

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

OCT 09 2019

David J. Bradley, Clerk of Court

CIVIL ACTION NO.

4:14-CV-01698

COLE

V.

COLLIER

MOTION FOR CORRECTIVE ORDER

TO THE HONOR JUDGE K.P. ELLISON COMES NOW PLAINTIFF PARTY, RICHARD JAXSON, IN THE ABOVE STYLED AND NUMBERED CAUSE WITH HIS MOTION FOR CORRECTIVE ORDER PURSUANT TO SETTLEMENT, DOCUMENT NO. 1065, 3-27-18. MOVANT WOULD SHOW.

I.
MOVANT AS PLAINTIFF PARTY IS BEING EXCLUDED FROM CITED SETTLEMENT, BASED ON DATES CITED IN CLASS ACTION NOTICE DOC. 1065, TDCJ-CID IS USING SAID DATES; JULY 2017 - AUG. 2017 AND MAR. 6, 2018, TO EXCLUDE OTHER O/Fs THAT ARE PARTIES TO CITED CIVIL ACTION.

TDCJ-CID HAS CREATED A DOCUMENT TITLED "A/C PACK LIST," SAID LIST OF O/Fs ALL THE ONLY O/Fs TDCJ-CID ACKNOWLEDGES AS PARTIES TO CITED LITIGATION.

II
DUE TO MEDICAL STAFF NEGLIGENCE MOVANT BECAME INFECTED WITH GANGRENE RESULTING AMPUTATION OF LEFT LEG BELOW KNEE. SUBSEQUENTLY MOVANT WAS OFF PACK UNIT FROM DEC. 2016 UNTIL AUG. 2018 FOR PHYSICAL THERAPY AND REHAB. MOVANT WAS REASSIGNED TO PACK UNIT AUG. 2018. SAID TIME SPAN WAS OUTSIDE SETTLEMENT DATES.

III.

MOVANT WAS ON PACK UNIT FROM JULY 2007 UNTIL DEC. 2016. SAID TIME SPAN CAUSED MOVANT TO BE SUBJECT TO SEVERE HEAT RELATED ILLNESS. MOVANT HAD MEDICAL PASSES FOR OVER TEN (10) YEARS FOR TWO (2) FANS PRIOR TO BEING ASSIGNED TO PACK, PACK UNIT M.D., FUSTO AVILA, REFUSED TO UPDATE MED PASS FOR PACK UNIT. MOVANT'S SECOND FAN WAS CONFISCATED BY PACK SECURITY, RESULTING ADDITIONAL HARM PURSUANT TOO: SEVERE COPD, USE OF 3 INHALERS, HEART DAMAGE

HEAT SENSITIVE MEDS,
SAID CIRCUMSTANCE EXISTED FROM INCEPTION OF 4:14-CV-01698 LITIGATION UNTIL I WAS REASSIGNED TO PACK UNIT IN AUG. 2018.

NOTE: DUE TO SAID LITIGATION TDCS-CID NOW HAS A POLICY THAT ALLOWS ALL O/F'S TO OWN TWO FANS. MOVANT'S SECOND FAN HAS NOT BEEN REPLACED.

IV.

MOVANT ASSERTS THE EXCESSIVE HEAT CONDITIONS FROM 2007 UNTIL 2018 WAS AN CONTRIBUTING FACTOR TO GANGRENE AND AMPUTATION. LITIGATION IN 4:14-CV-01698 COVERS CITED TIME SPAN AND MOVANT

WAS AN EARLY LITIGANT IN SAID CIVIL ACTION.

V.

MOVANT ASSERTS HE IS ENTITLED TO SETTLEMENT CITED IN DOC 1065. MOVANT WAS IN CONTINUOUS CUSTODY OF TDCJ-CID AND HOUSED IN EXTREME HEAT CONDITIONS ON PACK AND JESTER 3 UNITS. MOVANT ACTIVELY SOUGHT PARTICIPATION IN LITIGATION. THE ONE MONTH AND ONE DAY TIME SPAN CITED IN SETTLEMENT CAN NOT BLOCK OTHER PLAINTIFFS ENTITLEMENT SPECIFICALLY WHEN PACK UNIT MEDICAL AND ADMIN. WERE SPECIFIC CAUSE OF GANGRENE RESULTING MOVANT BEING OFF UNIT AT TIME CITED. UNIT MEDICAL AND ADMIN. HAD SUFFICIENT NOTICE OF FOOT INFECTION BUT DELAY TAKING ACTION.

VI.

MOVANT SEEKS THE COURT THAT RICHARD JAXSON IS A PARTY TO SETTLEMENT CITED (DOC 1065), A PARTY TO 4:14-CV-01698 AND PACK UNIT ADMIN. STOP ALL RETALIATION —

• O.P.I. 8-5-19

• DENIAL OF COMMISSARY 9-26/-19.

ORDER TDCJ-CID TO LIST MOVANT AS A PART OF DOCUMENT TITLED "A/C PACK LIST, FOR SETTLEMENT ENTITLEMENTS.

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Richard J. Jones

EXECUTED THIS 30TH DAY OF SEPTEMBER, 2019.

I HEREBY DECLARE THE FOREGOING
TO BE TRUE AND CORRECT TO THE
BEST OF MY BELIEF, INFORMATION
AND KNOWLEDGE UNDER PENALTY
OF PERJURY.

RE: CAUSE NO. 10-25720, 12TH DIST.
CT. HOUSTON, TX; RESTRAINING
ORDER INJUNCTION.

ORDER COURT CLERK TO ENSURE NOTIFICATION.

ORDER TOGETHER TO TRANSFER
MOVANT TO JESTER 3 FOR
PERMANENT ASSIGNMENT AND
TO BE ABLE TO OBTAIN A
PROSTHETIC LEG.

ORDER COURT CLERK TO ENSURE NOTIFICATION.

RICHARD JAXSON, 468760
2400 WALLACE PARK RD PARK UNIT
NAVASOTA, TX. 77868

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SPECIAL

CASE NO.

JUDGE K. P. ELLISON
U.S. DIST. COURT
SO. DIST. OF TX
VIA CLERK OF COURT
P.O. BOX 61010
NAVASOTA, TX. 77868